

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

DANIEL LEVI GUY, #205 865

*

Plaintiff,

*

v.

*

2:07-CV-157-WKW

SGT. G. TIPPINS

*

Defendant.

*

ORDER

On February 22, 2007 Plaintiff filed a complaint in which makes only a conclusory allegation that the named Defendant violated his constitutional rights by retaliating against him because he informed Defendant's superiors about an incident which occurred between Defendant and Plaintiff on February 4, 2007. The complaint fails to identify factual allegations material to this particular count lodged against Defendant. This type of pleading fails to comply with the pleading requirements contained in the Federal Rules of Civil Procedure. *See Magluta v. Samples*, 256 F.3d 1282, 1284 (11th Cir. 2001); *Anderson v. Dist. Bd. of Tr.*, 77 F.3d 364-366-67 (11th Cir. 1996). "[D]istrict Courts confronted by such complaints have the inherent authority to demand repleader sua sponte. *See Johnson Enters. of Jacksonville, Inc. v. FPL Group, Inc.*, 162 F.3d 1290, 1332 n.94 (11th Cir. 1998); *Fikes v. City of Daphne*, 79 F.3d 1079, 1083 n.6 (11th Cir. 1996)." *Magluta*, 256 F.3d at 1284 n.3. In light of the foregoing, it is

ORDERED that on or before **May 1, 2007** Plaintiff shall file an amendment to his complaint which presents specific facts in support of his claim that Defendant subjected him to retaliation and/or describes how the conduct and/or actions of Defendant subjected him to retaliation.

Plaintiff is hereby advised that the amendment to the complaint must set forth short and plain statements showing why he is entitled to relief. Each allegation in the pleading should be simple, concise and direct. *See Rule 8, Federal Rules of Civil Procedure.*

Plaintiff is cautioned that if he fails to comply with the directives of this order the Magistrate Judge will recommend that this case be dismissed.

DONE, this 17th day of April 2007.

/s/Susan Russ Walker
SUSAN RUSS WALKER
UNITED STATES MAGISTRATE JUDGE